

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA,

Plaintiff,

v.

Civil Action No. 2:15-cv-06133-PD

ELI LILLY AND COMPANY,
IMCLONE LLC, and
BRISTOL-MYERS SQUIBB COMPANY,

Defendants.

STIPULATION AND [PROPOSED] ORDER

The Court having issued an Order on May 29, 2019 (Dkt. 99), adopting a Joint Proposed Scheduling Order that was submitted on May 28, 2019 (Dkt. 98), and the Court having left open the date for the *Markman* hearing, ordering that the hearing shall be held “January 13, 2020, or as soon as possible thereafter” (Dkt. 98), the parties to this action hereby stipulate as follows and request that the Court act thereon:

1. The Parties propose and request that the Court assign one of the following dates as the date for the *Markman* hearing: February 4, 5, 11 or 12, 2020. The Parties anticipate that the hearing will require up to three hours of presentation, equally divided, and agree to that time limit as the maximum amount of time that they will spend making their presentation. If the Court is not available on any of those dates, the parties will propose other dates, likely after February 2020, as counsel for the parties are committed to other matters (including multiple trials) during January and February, except on the dates provided.

2. The date for the Parties to make simultaneous filing of their Opening Claim Construction Briefs shall be extended from November 21, 2019 to November 26, 2019. In all other respects, the Order setting the schedule for this matter (Dkt. 99, referring to Dkt. 98) shall remain in effect.

3. The Opening Claim Construction Briefs and the Responsive Claim Construction Briefs (to be submitted by December 19, 2019, per Dkt. 99) will not exceed 25 pages in length.

4. The Parties may submit one video tutorial per side to the Court on the technology associated with the asserted patent claim up to two weeks before the *Markman* hearing.

5. In the event that the plaintiff determines to call one or both of its expert declarants to testify live at the *Markman* hearing, plaintiff will notify defendants by thirty days before the hearing. Defendants did not submit any declarations in support of their claim construction positions, and Defendants therefore do not intend to call any witnesses of their own to testify live at the *Markman* hearing. The presentation of argument about the disputed claim terms will be on a term-by-term basis, except that similar claim terms may be grouped to streamline the parties' presentations.

IT IS SO STIPULATED.

Dated: November 15, 2019

/s/ Andrew A. Chirls

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Respectfully submitted,

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Company, ImClone LLC, and Bristol-
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ORDER

AND NOW, this ____ day of _____, 2019, it is hereby **ORDERED** that the *Markman* hearing in this matter shall be held on February ____, 2019, at ____ a.m./p.m. The Court has set aside three hours for the presentations of the Parties. Paragraphs 2, 3, and 4 of the Stipulation set forth above are approved and so **ORDERED**.

BY THE COURT:

PAUL S. DIAMOND, J.